

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:21-CR-00434-M-1
NO. 5:21-CR-00434-M-13

UNITED STATES OF AMERICA)	
)	GOVERNMENT'S
v.)	NOTICE OF
)	EXPERT TESTIMONY
CHRISTOPHER LAMAR BAKER)	
LONDON HOLCOMB)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, pursuant to Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure, hereby provides notice of its intent to offer expert testimony at trial, and requests leave to submit such other expert disclosures as may be appropriate.

The government will call witnesses pursuant to Rule 702 of the Federal Rules of Evidence, as they will have specialized knowledge and/or provide expert testimony concerning matters which will assist the trier of fact to understand the evidence and/or to determine a fact in issue. The witnesses are as follows:

1. Erika M. Derks, Drug Enforcement Administration

Erika M. Derks is a Senior Forensic Chemist with the Drug Enforcement Administration ("DEA"), Mid-Atlantic Laboratory, Largo, Maryland. Her duties include determining the presence or absence of controlled substances using validated analytical techniques. She has previously been qualified as an expert witness and has testified more than 100 times. She has been qualified as an expert in approximately nineteen (19) federal courts and eight (8) state courts. Ms. Derks

conducted the analysis of substances seized during the search warrant executed on November 17, 2021. Ms. Derks will testify to her analysis, including but not limited to the chemical composition and weight of the controlled substances. Specifically, Ms. Derks will testify that the substance labelled:

- LIMS 2021-SFL3-09840 Exhibit 44 was Methamphetamine Hydrochloride with a substance purity of $98\% \pm 6\%$, a net weight of $4.544 \text{ g} \pm 0.002 \text{ g}$, and that the amount pure substance was $4.453 \text{ g} \pm 0.274 \text{ g}$;
- LIMS 2021-SFL3-09842 Exhibit 16 was Methamphetamine Hydrochloride with a substance purity of $98\% \pm 6\%$, a net weight of $190.17 \text{ g} \pm 0.01 \text{ g}$, and that the amount pure substance was $186.36 \text{ g} \pm 11.48 \text{ g}$;
- LIMS 2021-SFL3-09846 Exhibit 39 was Methamphetamine Hydrochloride with a substance purity of $99\% \pm 6\%$, a net weight of $3.273 \text{ g} \pm 0.002 \text{ g}$, and that the amount pure substance was $3.240 \text{ g} \pm 0.198 \text{ g}$;
- LIMS 2021-SFL3-09847 Exhibit 42 was Methamphetamine Hydrochloride with a substance purity of $97\% \pm 6\%$, a net weight of $709.3 \text{ g} \pm 0.2 \text{ g}$, and that the amount pure substance was $688.0 \text{ g} \pm 42.7 \text{ g}$;
- LIMS 2021-SFL3-09848 Exhibit 40 was Aspirin and Caffeine with a net weight of $15.243 \text{ g} \pm 0.002 \text{ g}$;
- LIMS 2021-SFL3-09849 Exhibit 41 was Cocaine Hydrochloride, Methamphetamine, and Phenyltetrahydroimidazothiazole with a net weight of $3.053 \text{ g} \pm 0.002 \text{ g}$;
- LIMS 2021-SFL3-09850 Exhibit 51 was Methamphetamine Hydrochloride with a substance purity of $98\% \pm 6\%$, a net weight of $2060 \text{ g} \pm 1 \text{ g}$, and that the

amount pure substance was $2018 \text{ g} \pm 124 \text{ g}$;

- LIMS 2021-SFL3-09841,
 - Exhibit 50.01 was Cocaine Hydrochloride and Phenyltetrahydroimidazothiazole with a net weight of $57.966 \text{ g} \pm 0.002 \text{ g}$;
 - Exhibit 50.02 was not a controlled substance with a net weight of $10.080 \text{ g} \pm 0.002 \text{ g}$;
 - Exhibit 50.03 was Oxycodone with a net weight of $0.101 \text{ g} \pm 0.002 \text{ g}$.

Ms. Derks will testify that her opinions are based on chemical, physical, and instrumental analyses, the results generated by those analyses, and her interpretation of those results. Her opinions are based on the following physical, chemical, and instrumental analyses: Gas Chromatography, Gas Chromatography/Mass Spectrometry, Infrared Spectroscopy, Marquis Color Test, DEA103L (Gas Chromatography). Ms. Derks will testify that the reported uncertainty values represent expanded uncertainty estimates at the 95% confidence level. The laboratory reports, data packet, and Ms. Derks' Curriculum Vitae have been or will be provided to defense counsel through the discovery process.

2. Lora C. Lopez, Drug Enforcement Administration

Lora C. Lopez is a Senior Forensic Chemist with the Drug Enforcement Administration ("DEA"), Mid-Atlantic Laboratory, Largo, Maryland. Her duties include determining the presence or absence of controlled substances using validated analytical techniques. She has previously been qualified as an expert witness and has testified in at least one (1) state and five (5) federal trials. Ms. Lopez conducted

the analysis of substances seized during the search warrant executed on November 17, 2021. Ms. Lopez will testify to her analysis, including but not limited to the chemical composition and weight of the controlled substances. Specifically, Ms. Lopez will testify that the substance tested labelled LIMS 2021-SFL3-09845 Exhibit 54 was Cocaine and Phenyltetrahydroimidazothiazole with a net weight of $46.91 \text{ g} \pm 0.01 \text{ g}$. Ms. Lopez will testify that the reported uncertainty values represent expanded uncertainty estimates at the 95% confidence level. Ms. Lopez will testify that her opinions are based on chemical, physical, and instrumental analyses, the results generated by those analyses, and her interpretation of those results. Her opinions are based on the following physical, chemical, and instrumental analyses: Cobalt (II) Thiocyanate Color Test, Gas Chromatography/Mass Spectrometry, Immunoassay Test. The laboratory report, data packet, and Ms. Lopez's Curriculum Vitae have been or will be provided to defense counsel through the discovery process.

3. Mark Frisch, Drug Enforcement Administration

Mark Frisch is a Senior Forensic Chemist with the Drug Enforcement Administration ("DEA"), Mid-Atlantic Laboratory, Largo, Maryland. His duties include determining the presence or absence of controlled substances using validated analytical techniques. He has previously been qualified as an expert witness and has testified in at least nine (9) federal trials, including in the United States District Court for the Eastern District of North Carolina. Mr. Frisch conducted the analysis of substances seized during the search warrant executed on November 17, 2021. Mr. Frisch will testify to his analysis, including but not limited to the chemical composition and weight of the controlled substance. Specifically, Mr. Frisch will

testify that the substance tested labelled LIMS 2021-SFL3-09843 Exhibit 61 was Methamphetamine Hydrochloride with a substance purity of $100\% \pm 6\%$, a net weight of $13.18 \text{ g} \pm 0.01 \text{ g}$, and that the amount pure substance was $13.18 \text{ g} \pm 0.80 \text{ g}$. Mr. Frisch will testify that the reported uncertainty values represent expanded uncertainty estimates at the 95% confidence level. Mr. Frisch will testify that his opinions are based on chemical, physical, and instrumental analyses, the results generated by those analyses, and his interpretation of those results. His opinions are based on the following physical, chemical, and instrumental analyses: Gas Chromatography/Mass Spectrometry, Infrared Spectroscopy, Marquis Color Test, and DEA 103L (Gas Chromatography). The laboratory report, data packet, and Mr. Frisch's Curriculum Vitae have been or will be provided to defense counsel through the discovery process.

4. Rajaa Mesfioui, Drug Enforcement Administration

Rajaa Mesfioui is a Senior Forensic Chemist with the Drug Enforcement Administration ("DEA"), Mid-Atlantic Laboratory, Largo, Maryland. Mesfioui's duties include determining the presence or absence of controlled substances using validated analytical techniques. Chemist Mesfioui has previously been qualified as an expert witness and has testified in at least six (6) federal trials. Mesfioui will testify to their analysis, including but not limited to the chemical composition and weight of the controlled substance. Specifically, Chemist Mesfioui will testify that the substance tested labelled LIMS 2021-SFL3-09852 Exhibit 56 was Methamphetamine Hydrochloride with a substance purity of $96\% \pm 6\%$, a net weight of $108.29 \text{ g} \pm 0.01 \text{ g}$, and that the amount pure substance was $103.95 \text{ g} \pm 6.50 \text{ g}$.

Mesfioui will testify that the reported uncertainty values represent expanded uncertainty estimates at the 95% confidence level. Mesfioui will testify that their opinions are based on chemical, physical, and instrumental analyses, the results generated by those analyses, and their interpretation of those results. Mesfioui's opinions are based on the following physical, chemical, and instrumental analyses: Gas Chromatography, Gas Chromatography/Mass Spectrometry, Infrared Spectroscopy, Marquis Color Test, and DEA103L (Gas Chromatography). The laboratory report, , and Chemist Mesfioui's Curriculum Vitae have been or will be provided to defense counsel through the discovery process.

5. Susan M. Ziegler, Drug Enforcement Administration

Susan M. Ziegler is a Senior Forensic Chemist with the Drug Enforcement Administration ("DEA"), Mid-Atlantic Laboratory, Largo, Maryland. Her duties include determining the presence or absence of controlled substances using validated analytical techniques. She has previously been qualified as an expert witness and has testified in federal court approximately 19 times and in various state courts approximately 12 times. Ms. Ziegler conducted the analysis of the substances seized during the search warrant executed on November 17, 2021. Ms. Ziegler will testify to her analysis, including but not limited to the chemical composition, form, and weight of the controlled substances. Specifically, Ms. Ziegler will testify that the substance tested labelled LIMS 2021-SFL3-09851,

- Exhibit 53.01 was Methamphetamine Hydrochloride with a substance purity of $96\% \pm 6\%$, a net weight of $183.8 \text{ g} \pm 0.2 \text{ g}$, and that the amount of pure substance was $176.4 \text{ g} \pm 11.0 \text{ g}$;

- Exhibit 53.02 was Cocaine Base with a net weight of $1.398 \text{ g} \pm 0.002 \text{ g}$;
- Exhibit 53.03 was Methamphetamine and Caffeine with a net weight of $11.20 \text{ g} \pm 0.01 \text{ g}$;
- Exhibit 53.04 was Methamphetamine and Caffeine with a net weight of $3.96 \text{ g} \pm 0.01 \text{ g}$;
- Exhibit 53.05 was Methamphetamine and Caffeine with a net weight of $3.50 \text{ g} \pm 0.01 \text{ g}$;
- Exhibit 53.06 was Methamphetamine and Caffeine with a net weight of $1.777 \text{ g} \pm 0.002 \text{ g}$;
- Exhibit 53.07 was Methamphetamine and Caffeine with a net weight of $0.339 \text{ g} \pm 0.002 \text{ g}$;
- Exhibits 53.08, 53.09, and 53.10 were Caffeine with net weights of $0.550 \text{ g} \pm 0.002 \text{ g}$, $0.746 \text{ g} \pm 0.002 \text{ g}$, and $0.505 \text{ g} \pm 0.002 \text{ g}$, respectively.

Ms. Ziegler will testify to the total dosage units contained in Exhibits 53.03, 53.04, 53.05, 53.06, 53.07, 53.09, and 53.10. Ms. Ziegler will testify that the reported uncertainty values represent expanded uncertainty estimates at the 95% confidence level. Ms. Ziegler will testify that her opinions are based on chemical, physical, and instrumental analyses, the results generated by those analyses, and her interpretation of those results. Her opinions are based on the following physical, chemical, and instrumental analyses: Gas Chromatography, Gas Chromatography/Mass Spectrometry, Infrared Spectroscopy, and DEA 273/Liquid Chromatography. The laboratory report, data packet, and Ms. Ziegler's Curriculum Vitae have been or will be provided to defense counsel through the discovery process.

6. Shenell L. Collins, Drug Enforcement Administration

Shenell L. Collins is a Forensic Chemist with the Drug Enforcement Administration (“DEA”), Southeast Laboratory, Miami, FL. Her duties include determining the presence or absence of controlled substances using validated analytical techniques. She has not been previously been qualified as an expert witness in federal court. Ms. Collins will testify to her analysis, including but not limited to the chemical composition and weight of the controlled substances. Specifically, Ms. Collins will testify that the substance tested labelled:

- LIMS 2021-SFL4-02484 Exhibit 7 (December 4, 2020 Buy) was Methamphetamine Hydrochloride with a substance purity of $98\% \pm 6\%$, a net weight of $27.567 \text{ g} \pm 0.003 \text{ g}$, and that the amount pure substance was $27.015 \text{ g} \pm 1.663 \text{ g}$;
- LIMS 2021-SFL4-02480 Exhibit 3 (November 6, 2020 Buy) was Methamphetamine Hydrochloride with a substance purity of $100\% \pm 6\%$, a net weight of $54.06 \text{ g} \pm 0.02 \text{ g}$, and that the amount pure substance was $54.06 \text{ g} \pm 3.27 \text{ g}$;
- LIMS 2021-SFL4-02479 Exhibit 2 (October 30, 2020 Buy) was Methamphetamine Hydrochloride and Dimethyl Sulfone with a substance purity of $94\% \pm 6\%$, a net weight of $27.39 \text{ g} \pm 0.04 \text{ g}$, and that the amount pure substance was $25.74 \text{ g} \pm 1.64 \text{ g}$;
- LIMS 2021-SFL4-02478 Exhibit 1 (October 16, 2020 Buy) was Methamphetamine Hydrochloride and Dimethyl Sulfone with a substance purity of $84\% \pm 6\%$, a net weight of $54.22 \text{ g} \pm 0.01 \text{ g}$, and that the amount pure

substance was $45.54 \text{ g} \pm 3.14 \text{ g}$.

Ms. Collins will testify that the reported uncertainty values represent expanded uncertainty estimates at the 95% confidence level. Ms. Collins will testify that her opinions are based on chemical, physical, and instrumental analyses, the results generated by those analyses, and her interpretation of those results. Her opinions are based on the following physical, chemical, and instrumental analyses: Gas Chromatography/Mass Spectrometry, Infrared Spectroscopy, Marquis Color Test, DEA 440H (Nuclear Magnetic Resonance), and DEA 503/UV-Vis Spectroscopy. The laboratory report, data packet, and Ms. Collins' Curriculum Vitae have been or will be provided to defense counsel through the discovery process.

7. Tyrone S. Shire, Drug Enforcement Administration

Tyrone S. Shire is a Senior Forensic Chemist with the Drug Enforcement Administration ("DEA"), Southeast Laboratory, Miami, FL. His duties include determining the presence or absence of controlled substances using validated analytical techniques. Mr. Shire will testify to his analysis, including but not limited to the chemical composition and weight of the controlled substances. Specifically, Mr. Shire will testify that the substance tested labelled:

- LIMS 2021-SFL4-04760 Exhibit 13 (June 4, 2021 Buy) was Methamphetamine Hydrochloride with a substance purity of $96\% \pm 6\%$, a net weight of $56.7 \text{ g} \pm 0.2 \text{ g}$, and that the amount pure substance was $54.4 \text{ g} \pm 3.4 \text{ g}$;
- LIMS 2021-SFL4-04870 Exhibit 14 (May 21, 2021 Buy) was Methamphetamine Hydrochloride with a substance purity of $97\% \pm 6\%$, a net weight of $84.7 \text{ g} \pm 0.2 \text{ g}$, and that the amount pure substance was $82.1 \text{ g} \pm 5.1$

g;

- LIMS 2021-SFL4-04922 Exhibit 11 (February 28, 2021 Buy) was Methamphetamine Hydrochloride and Dimethyl Sulfone with a substance purity of $70\% \pm 5\%$, a net weight of $63.7 \text{ g} \pm 0.2 \text{ g}$, and that the amount pure substance was $44.5 \text{ g} \pm 3.5 \text{ g}$;
- LIMS 2021-SFL4-08005 Exhibit 018 (November 5, 2021 Buy) was Methamphetamine Hydrochloride with a substance purity of $97\% \pm 6\%$, a net weight of $513.6 \text{ g} \pm 0.2 \text{ g}$, and that the amount pure substance was $498.1 \text{ g} \pm 30.9 \text{ g}$.

Mr. Shire will testify that the reported uncertainty values represent expanded uncertainty estimates at the 95% confidence level. Mr. Shire will testify that his opinions are based on chemical, physical, and instrumental analyses, the results generated by those analyses, and his interpretation of those results. His opinions are based on the following physical, chemical, and instrumental analyses: Gas Chromatography/Mass Spectrometry, Infrared Spectroscopy, Marquis Color Test, and DEA 440H/Nuclear Magnetic Resonance Spectroscopy. The laboratory report, data packet, and Mr. Shire's Curriculum Vitae have been provided to defense counsel through the discovery process.

8. Julie Jones, Georgia Bureau of Investigations

Julie Jones is a Forensic Chemist with the State of Georgia's Bureau of Investigations, Division of Forensic Sciences ("GBI"), Decatur, GA. Her duties include determining the presence or absence of controlled substances using validated analytical techniques. Ms. Jones conducted the analysis of the Methamphetamine

seized during the arrests of Christopher Baker and Amanda Greene in Georgia on July 13, 2021. Ms. Jones will testify to her analysis, including but not limited to the chemical composition and weight of the controlled substance. Specifically, Ms. Jones will testify that the substance tested labelled DOFS 2021-1024353, Evidence Submission #006 was Methamphetamine, Schedule II with a net weight of 942.07 g \pm 0.08 g. Ms. Jones will testify that her opinions are based on chemical, physical, and instrumental analyses, the results generated by those analyses, and her interpretation of those results. Her opinions are based on the following physical, chemical, and instrumental analyses: Electronic balance and/or mechanical scale, Gas Chromatography/Mass Spectrometry, Ultraviolet Spectroscopy, and a Marquis Color Test. Ms. Jones will testify that estimations of measurement uncertainty for all quantitative determinations are reported at a coverage probability of 99.73%. The laboratory report, data packet, and Ms. Jones' Curriculum Vitae have been or will be provided to defense counsel through the discovery process.

9. Jeremy Scheetz, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

Jeremy Scheetz is an Intelligence Operations Specialist with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") in its headquarters in Washington, D.C. since 2014. Mr. Scheetz began his career with ATF in 2003. Prior to his current position, Mr. Scheetz was an Intelligence Research Specialist from 2006 through 2014, and a Critical Information Specialist from 2003 through 2006. Mr. Scheetz has been qualified as an expert witness in federal court in the Northern District of California as an expert in outlaw motorcycle gangs and the Hells Angels Motorcycle Club. Mr. Scheetz has also been qualified in administrative

hearings before the United States Department of Defense, Defense Office of Hearings and Appeals. Mr. Scheetz will testify as to the membership, hierarchy, structure, and day-to-day operations of the Pagan's Motorcycle Club ("PMC").

10. Steve Babits, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

Steve Babits is a senior special agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") in the Raleigh Field Office of the Charlotte Field Division. Special Agent Babits began his law enforcement career with the ATF in 2001. Prior to his current position, Special Agent Babits served as an instructor at the ATF National Academy, providing instruction to new agents. On previous occasions, Special Agent Babits has been qualified as an expert witness in federal court in the Eastern District of North Carolina.

Special Agent Babits will testify regarding the organizational structure of drug trafficking, the value of controlled substances, the quantities of controlled substances for distribution, tools of drug traffickers, and the connection between firearms and drug trafficking. Special Agent Babits' curriculum vitae will be provided to defense counsel in discovery.

11. John Griffin Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

John Griffin is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") in the Raleigh Field Office of the Charlotte Field Division. Special Agent Griffin has been employed with ATF since March 2007. Prior to ATF, Agent Griffin was a Corporal in the United States Marine Corps. During his career, Special Agent Babits has received extensive training in firearms, including Firearms

Interstate Nexus Training, Special Agent Basic Training, Criminal Investigator Training Program, among others listed in Griffin's curriculum vitae.

Agent Griffin will testify that a firearm recovered from Gary Lee Staley on November 5, 2021, is a machinegun as defined in Section 5845 of the Internal Revenue Code of 1986, see 18 U.S.C. § 922(b)(4) and 26 U.S.C. § 5845(b), that is, any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.

Agent Griffin will also testify that the firearm recovered during the controlled purchase on June 4, 2021, is a short-barreled shotgun as defined in 18 U.S.C. § 921(a)(6), that is, a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification or otherwise) if such weapon as modified has an overall length of less than twenty-six inches.

Special Agent Griffin's curriculum vitae will be provided to defense counsel in discovery.

The Government reserves the right to supplement and revise this Notice filing, if necessary, prior to Jury Trial date of September 12, 2022.

Respectfully submitted, this 31st day of August, 2022.

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing ***Government's Notice of Expert Testimony*** has this 31st day of August, 2022 been served upon the Defendants, by causing same to be filed with Cm/ECF which will create an electronic notification to be sent to their counsel of record,

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